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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DEFENDANTS' NOTICE OF
ADDITIONAL STEPS TAKEN TO
COMPLY WITH THIS COURT'S MARCH
13, 2025 PRELIMINARY INJUNCTION**

On March 20, 2025, Defendants filed under seal lists of “all probationary employees terminated” as a result of the OPM guidance this Court has determined was unlawful. *See* Admin. Mot to File Agency Lists of Employees Under Seal, ECF No. 143. Defendants also included explanations as to what each agency had done to comply with the Court’s order: to “immediately offer reinstatement” to any and all probationary employees terminated on or about February 13 or 14, 2025; and to “immediately advise all probationary employees” terminated on or about February 13 and 14 that the notice and termination have been found to be unlawful by the United States District Court for the Northern District of California. *See* Not. of Filing Certain Agency Declarations & Redacted Lists of Agency Emps., ECF No. 144. Those filings demonstrated the steps that each agency had undertaken to immediately comply with the Court’s orders. These steps typically included notifying each employee of the Court’s order and offering to reinstate each employee. As a general matter, agencies immediately placed employees who accepted the offer of reinstatement on paid leave and began the process to fully reinstate each employee, including providing new identification and access badges, equipment, office assignment, and meaningful work assignments. *See, e.g.*, Decl. of Reesha Trznadel ¶¶ 4-9, ECF No. 139-3; Decl. of Mary Rice, ¶¶ 4-9, ECF No. 139-3.¹

On March 31, 2025—in response to Plaintiffs’ motion to compel compliance—Defendants filed updated lists and declarations indicating what agencies had further done to comply with this Court’s Orders. *See* Defs.’ Resp. to Plfs.’ Mot. to Compel, ECF No. 168; Admin Mot. to File Agency Lists of Employees Under Seal, ECF No. 169. Those filings further demonstrated that agencies continued to work to provide actual notice to each employee in addition to offering reinstatement and working to return employees to duty status.

In further support of these points, Defendants submit for the Court updated lists and declarations:

¹ Declarations filed in *Maryland v. U.S. Dep’t of Agric.*, No. 1:25-cv-0748 (D. Md.) (“*Maryland v. USDA*”), also demonstrated that the agencies have continued to make progress since their March 17, 2025, filings. *See Maryland v. USDA*, ECF No. 103-1 at 2, ¶¶ 4-7 (USDA declaration attesting to Phases 1-4; by Phase 2, March 31, 2025, approximately 2400 employees will be returned to duty status); *id.*, ECF No. 103-1, at 11-12 ¶¶ 4-8 (Energy declaration attesting that approximately 480 employees will be “reboard[ed]” by March 31, 2025).

1 1. U.S. Department of Defense’s updated list of steps taken to offer reinstatement to
2 terminated probationary employees and return these employees to duty status. An unredacted
3 version of this list is being submitted under seal.

4 2. U.S. Department of Veterans Affairs’ updated list of steps taken to offer reinstatement
5 to terminated probationary employees and return these employees to duty status. An unredacted
6 version of this list is being submitted under seal.

7 3. U.S. Department of the Interior’s updated list of steps taken to offer reinstatement to
8 terminated probationary employees and return these employees to duty status. An unredacted
9 version of this list is being submitted under seal.

10 4. U.S. Department of Energy’s declaration, identifying additional steps taken to offer
11 probationary employees reinstatement and return these employees to duty status as well as a
12 further explanation of administrative measures need to return employees to duty status.

13 5. U.S. Department of Treasury’s declaration, identifying additional steps taken to offer
14 probationary employees reinstatement and return these employees to duty status as well as a
15 further explanation of administrative measures need to return employees to duty status.

16 6. U.S. Department of Agriculture’s declaration, identifying additional steps taken to
17 offer probationary employees reinstatement and return these employees to duty status as well as
18 a further explanation of administrative measures need to return employees to duty status.

19 As demonstrated in these and in the prior filings, Plaintiffs fail to demonstrate that
20 Defendants have not complied with this Court’s preliminary injunction and also fail to
21 demonstrate that civil contempt is warranted.

1 Dated: April 7, 2025

Respectfully submitted,

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